

REMARKS

In accordance with the foregoing, claims 1-4 and 23-46 have been canceled without prejudice or disclaimer, and new claims 47-80 have been added. Claims 47-80 are pending, with claims 47, 52, 53, 55, 60, 62, and 67 being independent. Canceled claims 1-4, 23-25, and 30-45 were under consideration as being directed to elected Invention I. Canceled claims 26-29 and 46 were withdrawn from consideration as being directed to non-elected Invention II. New claims 47-80 are directed to elected Invention I. No new matter is presented in this Amendment After Final Rejection.

Error in the Office Action

In item 4a on page 1 (the Office Action Summary) of the Final Office Action of January 21, 2010, the Office states that claims 26-30 and 46 are withdrawn from consideration. However, claims 26-29 and 46 were actually withdrawn from consideration as can be seen from pages 2 and 3 of the Final Office Action of January 21, 2010.

Information Disclosure Statements

An Information Disclosure Statement was filed on February 10, 2010, and it is respectfully requested that this Information Disclosure Statement be considered.

The Final Office Action of January 21, 2010, includes a copy of the List of References Cited by Applicant that was attached to the Amendment of June 25, 2009, marked by the Office to indicate that all of the cited references have been considered except reference AM (the International Search Report issued on October 30, 2003, in International Application No. PCT/KR03/01306). On page 4 of the Final Office Action of January 21, 2010, the Office states as follows:

The information disclosure statement filed 25 June 2009 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because while reference AM on the IDS lists the reference was issued on 30 October 2009 [*sic*], there is no visual evidence on the reference itself or provided to the Examiner disclosing the reference was published/issued on 30 October 1999 [*sic*]. It has been placed in the file, but the information referred to therein has not been considered as to the merits.

However, the date of October 30, 2003, listed for reference AM in the List of References Cited by Applicants is incorrect due to a typographical error as can be seen from the mailing date of October 20, 2003, listed on reference AM itself. It is not seen where 37 CFR 1.97 and 1.98 and MPEP 609 authorize the Office not to consider a reference cited in an IDS because there is a typographical error in the date of the reference listed in the IDS. It is submitted that the appropriate course of action would have been for the Office to consider reference AM, mark through the incorrect date of October 30, 2003, in the List of References Cited by Applicant, and write in the correct date of October 20, 2003, as the Office has done in other applications handled by the undersigned attorney. It is noted that the Office itself made two typographical errors in referring to the date of October 30, 2003, listed for reference AM, i.e., the Office referred to the date of reference AM as 30 October 2009 and 30 October 1999.

In any event, attached hereto is a List of References Cited listing reference AM with the correct date of October 20, 2003. It is respectfully requested that this reference be considered.

Specification Objections

The Office has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter because "[t]he phrase 'reproducing apparatus' is not found to have proper antecedent basis in the specification" as discussed on pages 4 and 5 of the Final Office Action of January 21, 2010. This objection is respectfully traversed.

Although the propriety of this objection is not conceded, it is submitted that the objection is moot since all of the pending claims, i.e., claims 1-4 and 23-46, have been canceled in this Amendment After Final Rejection, and the phrase "reproducing apparatus" does not appear in new claims 47-80.

For at least the foregoing reasons, it is respectfully requested that the objection to the specification as failing to provide proper antecedent basis for the claimed subject matter be withdrawn.

Claim Rejections Under 35 USC 101

Claims 30-45 have been rejected under 35 USC 101 as being directed to non-statutory subject matter for the reasons set forth on pages 5 and 6 of the Final Office Action of January 21, 2010. This rejection is respectfully traversed at least on the grounds that the Office has not identified any basis whatsoever in the statutes, rules, procedures, or case law for the rejection made by the Office.

Furthermore, although the propriety of this rejection is not conceded, the rejection is moot since claims 30-45 have been canceled in this Amendment After Final Rejection.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 1-4, 20-24, and 30-45 have been rejected under 35 USC 103(a) as being unpatentable over Lamkin et al. (Lamkin) (U.S. Patent Application Publication No. 2002/0088011) in view of Berstis et al. (Berstis) (U.S. Patent No. 6,510,458).

Although the propriety of this rejection is not conceded, the rejection is moot since claims 20-22 were canceled in the Amendment of June 25, 2009, and claims 1-4, 23, 24, and 30-45 have been canceled in this Amendment After Final Rejection.

Rejection 2

Claim 25 has been rejected under 35 USC 103(a) as being unpatentable over Lamkin in view of Berstis and Blanco (U.S. Patent Application Publication No. 2002/0128061).

Although the propriety of this rejection is not conceded, the rejection is moot since claim 25 has been canceled in this Amendment After Final Rejection.

Double Patenting Rejections

Rejection 1

Claims 1-4, 23-25, and 30-45 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,493,552, which issued from Application No. 10/612,415, the parent application of the present continuation application. This rejection is traversed at least on the grounds that Office has not provided an explanation of the rejection that complies with the requirements of MPEP 804(B)(I) (see MPEP pages 800-21 and 800-22).

Furthermore, although the propriety of this rejection is not conceded, the rejection is moot since claims 1-4, 23-25, and 30-45 have been canceled in this Amendment After Final Rejection.

Rejections 2 and 3

Claims 1-4, 23-25, and 30-45 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/777,668.

Claims 1-4, 23-25, and 30-45 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/777,758.

Although the propriety of these provisional rejections is not conceded, the provisional rejections are moot since Application Nos. 10/777,668 and 10/777,758 are abandoned, and are therefore no longer copending applications. Notices of Abandonment were mailed on December 9, 2009, in former copending Application Nos. 10/777,668 and 10/777,758, which was 2-1/2 months before the Final Office Action of January 21, 2010, was issued. The provisional rejections are also moot since claims 1-4, 23-25, and 30-45 have been canceled in this Amendment After Final Rejection.

Patentability of New Claims 47-80

It is submitted that new claims 47-80 are directed to statutory subject matter under 35 US 101 and are patentable over Lamkin, Berstis, Blanco, and claims 1-11 of U.S. Patent No. 7,493,552, and an indication to that effect is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Office is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

Date: March 22, 2010

By: /Randall S. Svihla/
Randall S. Svihla
Registration No. 56,273

NSIP Law
1156 15th Street NW, Suite 603
Washington, DC 20005
Tel: (202) 429-0020
Fax: (202) 315-3758
CYP/RSS

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